

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

|                          |   |                      |
|--------------------------|---|----------------------|
| ONYX THERAPEUTICS, INC., | ) |                      |
|                          | ) |                      |
| Plaintiff,               | ) |                      |
|                          | ) |                      |
| v.                       | ) | C.A. No. 17-1155-LPS |
|                          | ) |                      |
| INNOPHARMA INC.,         | ) |                      |
|                          | ) |                      |
| Defendant.               | ) |                      |

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|-------------------------------|---|----------------------|
| ONYX THERAPEUTICS, INC.,      | ) |                      |
|                               | ) |                      |
| Plaintiff,                    | ) |                      |
|                               | ) |                      |
| v.                            | ) | C.A. No. 17-1202-LPS |
|                               | ) |                      |
| APOTEX INC. and APOTEX CORP., | ) |                      |
|                               | ) |                      |
| Defendants.                   | ) |                      |

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| ONYX THERAPEUTICS, INC.,                                | ) |                      |
|   | ) |                      |
| Plaintiff,  | ) |                      |
|   | ) |                      |
| v.  | ) | C.A. No. 17-1235-LPS |
|   | ) |                      |
| QILU PHARMA, INC. and QILU<br>PHARMACEUTICAL CO., LTD., | ) |                      |
|   | ) |                      |
| Defendants.   | ) |                      |

**STIPULATION AND [PROPOSED] ORDER**

WHEREAS, the actions against InnoPharma Inc. (C.A. No. 17-1155-LPS), Apotex Inc. and Apotex Corp. (C.A. No. 17-1202-LPS), and Qilu Pharma, Inc. and Qilu Pharmaceutical Co., Ltd. (C.A. No. 17-1235-LPS) (collectively, “Related Actions”) are related to C.A. No. 16-988 (LPS), which is currently pending before this Court;

WHEREAS, plaintiff Onyx Therapeutics, Inc. and defendants InnoPharma Inc., Apotex Inc., Apotex Corp., Qilu Pharma, Inc., and Qilu Pharmaceutical Co., Ltd. (collectively, “the parties”) have agreed to consolidation of the Related Actions with C.A. No. 16-988 (LPS) for purposes of discovery, and further agreed to follow the Scheduling Order (D.I. 21) entered in C.A. No. 16-988 (LPS) on April 18, 2017, as amended by the Stipulation and Proposed Order filed by the parties on September 13, 2017, and except that plaintiff Onyx Therapeutics, Inc. shall serve its Infringement Contentions against defendants InnoPharma Inc., Apotex Inc., Apotex Corp., Qilu Pharma, Inc., and Qilu Pharmaceutical Co., Ltd. by October 2, 2017.

IT IS HEREBY STIPULATED AND AGREED by the parties, subject to the approval of the Court, that:

- 1) The Related Actions shall be consolidated with C.A. No. 16-988 (LPS) for purposes of discovery;
- 2) The parties shall follow the Scheduling Order entered in C.A. No. 16-988 (LPS) (D.I. 21, as entered on April 18, 2017), as amended by the Stipulation and Proposed Order filed by the parties on September 13, 2017, and except that plaintiff Onyx Therapeutics, Inc. shall serve its Infringement Contentions against defendants InnoPharma Inc., Apotex Inc., Apotex Corp., Qilu Pharma, Inc., and Qilu Pharmaceutical Co., Ltd. by October 2, 2017;
- 3) All filings shall be made in the lead case C.A. No. 16-988 (LPS).

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Dated: September 13, 2017

SO ORDERED this \_\_\_\_ day of September, 2017.

\_\_\_\_\_  
Chief, United States District Judge